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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/538,626

06/10/2005

Alexander Cornelis Geerlings

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

AHMED, HAMDY S

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/538,626	<b>Applicant(s)</b> GEERLINGS ET AL.	
	<b>Examiner</b> HAMDY S. AHMED	<b>Art Unit</b> 2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, and 12-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Okazaki et al. (US No: 6,424,606 B1).

As to claim 1 Okazaki discloses a method of operating a storage device sensitive to vibrations in an environment with a source of vibrations (see abstract 10), characterized in that the method comprises the following steps: (a) monitoring the performance of the storage device (by detecting the vibration the tricking subsystem is disabled in doing so, the storage performance is managed see abstract 6-10), and (b) when the performance of the storage device decreases below a pre-determined level taking action to reduce the influence of vibrations generated by the source of vibrations (when the performance decreases below a predetermined level the vibration detector disable the subsystem due to the action it was taken see column 6, lines 16-26).

As to claim 2, Okazaki discloses wherein the performance of the storage device is indicated by service time statistics of the storage device (see column 3, lines 38-44)

As to claim 3, Okazaki discloses wherein the performance of the storage device is indicated by the average bit-rate of the storage device (completing this operation reduces the vibration see column 5, lines 1-19).

As to claim 4, Okazaki discloses wherein the action comprises the step of providing a message to a user to reduce the vibrations (see column 6 lines 1-15)

As to claims 5, Okazaki discloses wherein the source of vibrations is at least one loudspeaker, and the loudspeaker and the storage device comprised in the same housing (the loudspeaker and storage device will be included in one system as a host system or host computer inherently)

As to claim 6, Okazaki discloses wherein the source of vibrations is a loudspeaker and the action is reduction of the volume of the sound produced by the loudspeaker (see figure 2 element 14, and element 32).

As to claim 7, Okazaki discloses wherein when the performance decreases below the pre-determined level and the environmental temperature of the storage device is above a further pre-determined level, no action is taken (see column 6, lines 16-62).

As to claim 8 Okazaki discloses wherein (a) the housing is a consumer electronics apparatus (see column figure3 ); (b) the storage device is arranged to record an incoming stream of audio-visual data (see column 5, lines 35-51); the consumer electronics apparatus is arranged to reproduce the incoming stream of audio-visual data by means of a screen and the loudspeaker (see column 2, lines 1-19); and wherein the method comprises the steps of: storing the incoming stream of audio-visual data on a disk by the storage device; and reproducing the stored stream of audio-visual data stored on the disk by means of a screen and loudspeaker to display the incoming stream of audio-visual data instead of the stored stream of audio-visual data

As to claim 9, Okazaki discloses wherein the action to reduce the influence of vibrations generated by the source of vibrations comprises the step of advising a user to display the incoming stream of audio-visual data instead of the stored stream of audio-visual data (a

devising the host to tray different function is equivalent to display the incoming stream of audio-visual data instead of the stored stream of audio-visual data see column 5, lines 57-67)

As to claim 10 Okazaki wherein the housing is a consumer electronics apparatus arranged to reproduce audio-visual data (see figure 3); at least one further loudspeaker not comprised by the consumer electronics apparatus, is connected to the consumer electronics apparatus; and the action comprises the steps of: halting reproduction of the audio-visual data through the loudspeaker comprised by the consumer electronics apparatus; and starting reproduction of the audio-visual data through the further loudspeaker (see column 7 lines 1-20)

As to claim 12, Okazaki i discloses wherein a further lower pre-determined level replaces the pre-determined level when the performance of the storage device is below the predetermined level during a pre-determined period (see column 6, lines 16--35).

As to claim 13, Okazaki discloses, wherein the vibrations are vibrations in a structure comprising the storage device (see column 3, element 190, element 155, and element 165).

As to claim 14 Okazaki i discloses, wherein the vibrations are airborne vibrations (see column 8, lines 65-67, and column 9, lines 1-10)

As to claim 15, Okazaki discloses wherein the storage device is a disk drive (see column 3, lines 66-67 and column 4, lines 1-10).

As to claim 16 Okazaki discloses, wherein the action is halting activities related to the storage device other than storage and retrieval of audio-visual data (see column 4, lines 40-65).

As to claim 17, Okazaki i discloses Circuit for operating a storage device in an environment with a source of vibrations, the circuit comprising a processor (inherently include a processor, since the system include hard drive and disk drive, characterized in that the processor is conceived to: (monitor the performance of the storage device (when the performance decreases below a predetermined level the vibration detector disable the

subsystem due to the action it was taken see column 6, lines 16-26); and when the performance of the storage device decreases below a predetermined level, take action to reduce the influence of vibrations generated by the source of vibrations( see column 6 lines 16-26).

As to claim 18, Okazaki discloses Consumer electronics apparatus comprising: means for receiving a stream of audio-visual data ( see figure 3); (a storage device arranged to store the stream of audio-visual data on a disk; (a source of vibrations; circuit for controlling the storage device (figure 3 includes circuit to control the storage device and vibration source detector which is element 190)

As to claim 19, Okazaki wherein the source of vibrations is a disk drive arranged to spin a disk in operation (see column 3, lines 65-67 and column 4, lines 1-10).

As to claim 20, wherein the source of vibrations is a loudspeaker (see figures 1- element 14).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okazaki et al. (US No: 6,067,362) in view of Ngalet al. (US No: 7,047,386 B1)

As to claim 11, Okazaki reference teaches all the limitation of claim 1 as the above, but Okazaki's reference does not teach the use of network link. The Ngalet reference teaches the use network link (see column 30, lines 32-60). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter

pertains to have modified the Okazaki system by using the Ngalet system reference by using a network link, to obtain communications between other devices (see column 30, lines 32-60).

### **Response to argument**

The applicant argues that Okazaki fails to teach “monitoring the performance of the storage device”. However, in column 3, lines 31-50, Okazaki explains how the storage device is managed through the speed control input for receiving a speed setting, and for reading /writing data to or from the at least one data track.

The applicant argues that Okazaki fails to teach indication when the performance of the storage device drops below a predetermined level. In column 10, lines 15-25, however, Okazaki discloses that when the vibration value is measured at resonance, it is less than the predetermined vibration value limit.

The applicant argues that Okazaki does not disclose “service time statistics” of the storage device. However, in column 10, lines 28 – 42, and column 3, lines 38-44, Okazaki teaches the comparing of the vibration values and changing the movement from one speed to another; this entire process indicates service time statistics.

The applicant argues that Okazaki does not explain the performance of the storage device. However, in many different places, Okazaki teaches the performance of the storage device (for example, in column 5, lines 1-19).

The applicant argues that Okazaki fails to disclose providing a message to the user to reduce the vibration. However, in column 3, lines 40-43, Okazaki asserts that comparing the values of the vibrations and changing the speed will result in compression, which is the equivalent of reduction in vibration (see column 6, lines 39-42).

The applicant argues that Okazaki fails to disclose a loudspeaker. However, in such a system, it is inherent that the output of the signal can be connected to a loudspeaker.

The applicant argues that Okazaki fails to teach that the decrease in performance below a predetermined level, if concurrent with an environmental temperature of the storage device that is above a further pre-determined level, results in no action being taken, as long as conditions exist that are not detrimental to the system. These kinds of parameters are inherently part of any system design.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAMDY S. AHMED whose telephone number is (571)270-1027. The examiner can normally be reached on M-TR 7:30-5:00pm and Every 2nd Friday 7:30-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on 571-272-4199. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2188

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hamdy S Ahmed/  
Examiner, Art Unit 2188

/Kevin L Ellis/  
Acting SPE of Art Unit 2187